

Mr. Hill moved the postponement of the bill, and made it the special order of the day for Monday next; lost.

The question being on the reconsideration of the vote adopting the amendment offered by Mr. Hill, providing that one-half of the sum appropriated to the improvement of the Trinity river, shall be expended above Magnolia, &c. The vote was reconsidered by the following vote:

YEAS—Messrs. Bigelow, Davis, Day, Duggan, Gray, Kinney, Meusebach, Miller, Parker, Potter, Reaves, Truit and Wilson—13.

NAYS—Messrs. Armstrong, Bogart, Burks, Grimes, Hill, Scott, Taylor and Williams—8.

Mr. Hill moved to lay the bill and the amendment on the table; lost.

Mr. Hill moved to lay the amendment on the table; lost.

The amendment was then rejected by the following vote:

YEAS—Messrs. Armstrong, Bogart, Burks, Dancy, Grimes, Hill, Scott, Taylor and Williams—9.

NAYS—Messrs. Bigelow, Davis, Day, Duggan, Ford, Gray, Kinney, Meusebach, Miller, Parker, Potter and Truit—12.

Mr. Taylor offered the following amendment: strike out "five thousand," and insert "eight thousand," for the improvement of the Sulphur Fork of Red river; adopted.

Mr. Armstrong offered the following amendment:

The sum of ten thousand dollars shall be appropriated to the cleaning out of Little Liver, a tributary of the Brazos; rejected.

Mr. Hill offered the following amendment: strike out \$37,500, and insert \$10,000, for the Trinity river.

A message was received from the House informing the Senate that the House had passed a bill making appropriations to defray the expenses of the volunteers called into the service of the State for the protection of the frontier; and a bill supplementary to an act concerning certain lands in Austin's second colony and the colony of Austin and Williams.

On motion, the Senate adjourned until 10 o'clock to-morrow morning.

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FRIDAY, January 28, 1853.

The Senate was called to order by the President, pursuant to adjournment—Prayer by the Rev. Mr. Phillips—roll called—quorum present.

The Journal of yesterday was read and adopted.



Mr. Parker, chairman of the committee on Claims and Accounts, to which was referred the petition of John C. Howard, David Snively and others, reported a bill requiring the Auditor and Comptroller to audit the claims of John C. Howard, David Snively, and the heirs of Hiram A. Allen, which was read first time.

Mr. Parker, from the same committee, made the following report:

The committee on Claims and Accounts, to which was referred the petition of Jesse White, have examined the same; the committee have instructed me to report that, in the opinion of your committee, all such claims for horses lost or pressed into the service of the Republic of Texas, should be presented to, and undergo an investigation of the Auditorial Board, now about to be established; therefore, your committee ask to be discharged from its further consideration.

Mr. Parker, from the same committee, reported back to the Senate the petition of William Bridges, with the vouchers accompanying, and asked to be discharged from the further consideration of them.

Mr. Armstrong, from the committee on the Judiciary, to which was referred a bill to create the Thirteenth Judicial District, reported same back, &c., &c., and recommended its passage with the following amendment: insert "Navarro," after "Leon."

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary have considered the memorial of Samuel William Shields, who is shown to be a minor about 17 years of age, and desires to be empowered to take control of his property under suitable restrictions. There are peculiar reasons in the case which require the aid of the Legislature; and which are of such force with the committee as to induce them to recommend the passage of the accompanying bill:

A bill for the relief of Samuel W. Shields; read first time.

Mr. Taylor made the following report:

The committee on Private Land Claims have had under consideration a bill for the relief of Andrew J. Wanker. They find that he emigrated to Texas in the year 1835, entered the service of the Republic of Texas in 1836—has continued upon the western frontier from that to the present time, almost constantly engaged in combatting the Mexicans and Indians; and, when not in the service of the Government, he has on various occasions aided in pursuing and chastising our enemies. He served with Karnes, Cameron, Ferguson, Price, Ross, Smith, Kinney, Bell,



Gray, Blackwell and Ford. Any of those gentlemen, yet living, can attest to his efficiency as a guide, an Indian fighter, an officer and commander.

The death of two of the above mentioned officers prevented his receiving any pay for two years of service.

He has suffered every species of privation, performed with distinguished ability the duties, and endured all the hardships incident to a frontier life, in consequence his health has suffered materially.

In view of these facts and of his meritorious services and claims, a portion of the committee have instructed me to report the bill back to the Senate and request its passage.

Mr. Wilson, from the committee on State Affairs, to which was referred the petition of Antonio Menchaca; reported,

A bill for the relief of Antonio Menchaca; read first time.

Mr. Armstrong, from the committee on the Judiciary, to which was referred a bill to provide for the cancellation of patents; reported the same back and recommended its passage with the following amendment: after the word "State," in sixth line, insert the words "patented by authority of the Republic or State of Texas."

Mr. Davis, chairman of the committee on State Affairs, made the following report:

The committee have considered the petition of Patrick C. Shinn, and in consequence of the probability of an early adjournment of the Legislature, so as not to afford time for its due consideration, and the action of the Legislature, have instructed me to report the same back to the Senate and ask to be discharged from its further consideration.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary have considered a bill to be entitled an act supplementary to an act relating to lands in Peter's Colony, and although the Senate have acted on the bill proposing to repeal said original act, yet a majority of the committee deem it proper to report favorably on this bill with amendments, and recommend its passage. It proposes to legalize the entries or files already made by a large portion of the colonists so that they may receive their patents; and to extend the time for others to comply with the law, by making entries or return the field-notes of their surveys made by the District Surveyors; and also to require the plats, maps and records relating to the Colony, to be deposited in the General Landoffice, where all the business connected with the Colony shall in future be transacted



under the direction of the Commissioner. This or some similar measure, it is believed, would give general quiet and satisfaction.

P. W. GRAY, Chairman.

Amend 1st section by adding "and until patents are issued, the Colonist's certificate, with the field-notes of the location or entry and survey, shall be sufficient to enable the legal holder thereof to maintain all actions to try the titles of the lands so surveyed."

In section 2nd, sixth line, insert before the word "preference," the words "longer time and." Same section, 15th line, after the word "Texas," insert "which claim or entry, or the field-notes of District Surveyors shall be filed in the General Land-office."

Insert Section 3. The maps and records relating to the lands in Peter's Colony, now remaining with the Trustees or Agent of said Texas Emigration Land Company, shall be deposited with the Commissioner of the General Landoffice, and constitute a part of the records and archives of said office, subject to the general laws governing the same. Change Sec. 3 to Sec. 4.

Mr. Dancy made the following report:

SENATE CHAMBER, January 28, 1853.

Mr. President: The committee on Indian Affairs, instruct me to report the accompanying bill to the Senate and recommend its passage.

Experience has shown the propriety of keeping the Indians separate from the whites, in order to preserve peace. It is also true that ardent spirits tend more than any thing else to demoralize the Indians. It is therefore necessary to give the United States Agents the authority to prohibit the sale of ardent spirits to the Indians. Humanity requires that some efforts should be made to civilize those people who have for ages resided upon our territory. Though the Indian becomes civilized but slowly, success has crowned the efforts that have been made in favor of the Cherokees, Chickasaws and Choctaws. The country which the committee propose to set apart for Indian purposes, lies North of Big Wichita, and between the 100th and 103d degrees of west longitude.

JON W. DANCY.

A bill reserving certain territory from location, and setting the same aside for Indian purposes; read first time.

Mr. Bigelow offered the following resolution:

*Resolved*, That the Commissioners elected by the last Legislature to contract for, and superintend and control the erection of a State Capitol, be, and are hereby notified and required to make and submit to the Senate a detailed report of their proceedings

up to the present time, on or, before Monday the 31st day of January, 1853;" read.

On motion of Mr. Parker, the rule was suspended and resolution adopted.

Mr. Davis introduced a bill to incorporate the Liberty and Nacogdoches Railroad company; read first time.

On motion of Mr. Davis, the rule was suspended, bill read second time and referred to the committee on Internal Improvements.

Mr. Williams introduced a bill to incorporate Paris and Pine Bluff Turnpike company; read first time.

On motion of Mr. Williams, the rule was suspended, bill read second time and referred to the committee on Internal Improvements.

Mr. Kinney introduced a bill donating a league of land to J. P. Schatzell, as an acknowledgment of his friendship to Texas, and his munificent generosity toward Texan prisoners of war in Mexico; read first time.

A message was received from the House, informing the Senate that the House had passed a bill to incorporate and establish St. Paul's College;

A bill for the benefit of the heirs of H. P. Chamberlain, deceased;

A bill to authorize the issuance of Duplicate Certificates of the Auditor and Comptroller of the State of Texas;

A bill to incorporate the Galveston, Houston and Henderson Railroad company; and Joint resolution relating to the volunteers called into the service by the Governor.

#### ORDERS OF THE DAY.

A bill making appropriations to defray the expenses of the volunteers called into the service of the State for the protection of the frontier; read second time.

Mr. Hill offered the following resolution as a substitute for the bill:

*SECTION 1. Resolved by the Legislature of the State of Texas, That application be immediately made to the Congress of the United States, through our Senators and Representatives in Congress, requesting that body to pass a law accepting the services of three companies of volunteers called into service by the Governor of this State in last for the protection of the frontier for the term of six months, and making the necessary appropriation to pay the liabilities thereby incurred, with suitable provisions for its disbursement through proper officers.*  
Rejected by the following vote:



YEAS—Messrs. Burks, Grimes, Hart, Hill, Parker, Reaves and Taylor—7.

NAYS—Messrs. Armstrong, Bigelow, Bogart, Dancy, Davis, Day, Duggan, Ford, Gray, Kinney, Potter, Scott, Truit, Williams and Wilson—15.

On motion of Mr. Gray, the bill was amended by striking out the words "His Excellency," wherever they occurred in the bill.

The bill was then passed to a third reading by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Dancy, Davis, Day, Duggan, Ford, Gray, Kinney, Potter, Scott, Truit, Williams and Wilson—15.

NAYS—Messrs. Burks, Grimes, Hart, Hill, Parker, Reaves and Taylor—7.

On motion of Mr. Bogart, the rule requiring reports to lay on the table one day, was suspended, and the report of the committee on the Judiciary on a bill supplemental to an act relating to lands in Peter's Colony, approved February 10, 1852, was taken up, and amendments offered by the committee adopted.

Mr. Armstrong offered the following amendment:

"That all that portion of unsectionized territory included within the limits of said Colony, shall be open to location and survey, by virtue of any genuine land certificate, warrant or other evidence of right of survey whatever, not interfering with the entries and surveys heretofore made by the Colonists."

On motion of Mr. Parker, Mr. Miller was excused on account of sickness.

Mr. Bogart moved a call of the Senate—carried, and Sergeant-at-Arms despatched after absent members.

On motion of Mr. Bogart, the call was suspended.

The yeas and nays were then called on the amendment offered by Mr. Armstrong; and amendment rejected by the following vote:

YEAS—Messrs. Armstrong, Dancy, Day, Parker, and Reaves—5.

NAYS—Messrs. Bigelow, Bogart, Burks, Davis, Duggan, Ford, Gray, Grimes, Hart, Hill, Kinney, Potter, Scott, Taylor, Williams and Wilson—16.

Mr. Hill offered as a substitute for the bill,

"A bill to provide for issuing patents to Colonists in Peter's Colony."

On motion of Mr. Hart, the Senate adjourned until three o'clock P. M.

THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

The question before the Senate being on the adoption of the substitute offered by Mr. Hill, to a bill supplemental to an act relating to lands in Peter's Colony, approved February 10, 1852; rejected.

On motion of Mr. Bogart, a call of the Senate was made, and Sergeant-at-Arms despatched after absent members.

On motion of Mr. Bogart, the call was suspended and bill ordered to be engrossed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Burks, Ford, Gray, Hill, Kinney, Meusebach, Potter, Scott, Taylor, Truit, Williams and Wilson—14.

NAYS—Messrs. Armstrong, Dancy, Davis, Day, Duggan, Grimes, Parker and Reaves—8.

Mr. Wilson offered the following resolution:

*Resolved*, That no Senator shall occupy the floor for more than ten minutes at a time.

On motion of Mr. Wilson, the rule was suspended and resolution adopted.

On motion of Mr. Taylor, a bill to incorporate the town of Mount Pleasant, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Scott, the rule was suspended, bill read third time and passed by a constitutional majority.

On motion of Mr. Armstrong, a bill for the relief of Calvin Boales was taken up, read second time and order to be engrossed.

Mr. Parker moved to suspend the rule;—lost

On motion of Mr. Bigelow, a bill to incorporate the city of Brownsville was taken up and read first time.

On motion of Mr. Bigelow, the rule was suspended, bill read second time and referred to the committee on Counties and County Boundaries.

On motion of Mr. Duggan, the resolution on adjournment was taken up.

Mr. Day offered the following as a substitute:

*Resolved*, That with the concurrence of the House of Representatives, the Legislature will adjourn *sine die* on the 10th February next; rejected.

Br. Bigelow moved to lay the resolution on the table; lost by the following vote:

YEAS—Messrs. Bigelow, Dancy, Gray, Meusebach, Truit and Wilson—6.

NAYS—Messrs. Armstrong, Bogart, Burks, Davis, Day, Dug-



gan, Grimes, Hill, Parker, Potter, Reaves, Taylor and Williams—13.

On motion of Mr. Williams, the resolution was amended by striking out "Monday 31st inst.," and inserting "Wednesday 2nd day of February next," adopted; and resolution as amended adopted.

On motion of Mr. Parker, a bill to authorize the Clerk of the District Court of Houston county to transcribe certain records was taken up and read first time.

On motion of Mr. Parker, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Parker, the rule was further suspended, bill read third time and passed.

Mr. Potter introduced Joint resolution relative to the appointment of a Commissioner of Public Schools; read first time.

On motion of Mr. Potter, the rule was suspended and resolution read second time.

Mr. Potter offered the following amendment to come in at end of first section: "and such Commissioner shall be paid the sum of \$1500 per annum for his services, payable quarterly;" adopted.

The yeas and nays were then called on the engrossment of the first resolution, and were as follows:

YEAS—Messrs. Bigelow, Bugart, Davis, Ford, Gray, Grimes, Hill, Kinney, Mensebach, Potter and Wilson—11.

NAYS—Messrs. Armstrong, Burks, Dancy, Day, Duggan, Parker, Reaves, Scott, Taylor, Truit and Williams—11.

There being a tie, the President voted in the negative, so the resolution was rejected.

A bill repealing the second section of an act passed on the 10th day of February, 1852, changing the names of Antoinette Scott and Sidney Way, to that of Devereux; read first time.

On motion of Mr. Reaves, the rule was suspended, bill read second time, and, on motion of Mr. Gray, referred to the committee on the Judiciary.

A bill relating to the fiscal affairs of the late Republic of Texas; read first time.

On motion of Mr. Gray, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

A bill to limit the boards of land Commissioners, and more clearly to define their duties; read first time.

On motion of Mr. Armstrong, the rule was suspended, bill read second time and referred to the committee on Public Lands.

A bill to define the times of holding the District Courts in the third Judicial District; read first time.



On motion of Mr. Armstrong, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

A bill supplementary to an act entitled an act to restore lands sold for taxes, and purchased by the State, to the former owners, approved January 28, 1852; read first time.

A bill amending the 16th section of an act to provide for the assessment and collection of taxes, approved February 11th, 1850; read third time and passed.

A bill to extend the provisions of an act to provide for ascertaining the debt of the late republic of Texas, approved March 20th, 1848; read first time and passed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Davis, Day, Duggan, Ford, Gray, Grimes, Hill, Kinney, Parker, Potter, Scott, Taylor, Truit, Williams and Wilson—18.

NAYS—Messrs. Burks, Dancy and Reaves—3.

On motion of Mr. Wilson, a bill to establish a system of common schools was taken up, read second time and ordered to be engrossed.

On motion of Mr. Scott, the rule was suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Bogart, Dancy, Davis, Day, Duggan, Ford, Gray, Grimes, Hill, Meusebach, Parker, Potter, Reaves, Scott, Taylor, Truit, Williams and Wilson—18.

NAYS—Mr. Burk—1.

A bill to authorize the county court of Comal county to levy a special tax; read first time.

On motion of Mr. Meusebach, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

A bill to amend an act to create the county of Hidalgo; read first time.

On motion of Mr. Duggan, the rule was suspended, bill read second time and referred to the committee on Counties and County Boundaries.

A bill to authorize the issuance of Duplicate certificates by the Auditor and Comptroller of the State of Texas: read first time.

On motion of Mr. Gray, the rule was suspended, bill read second time and referred to the committee on Public Debt.

A bill to incorporate and establish Saint Paul's College; read first time.

On motion of Mr. Gray, the rule was suspended, and bill read second time.

On motion of Mr. Wilson, the bill was amended by striking out the 13th section. The bill was then passed to a third reading.

On motion of Mr. Gray, the rule was further suspended, bill read third time and passed unanimously.

Mr. Wilson introduced a bill relating to the claims of certain creditors of the late Republic of Texas; read first time.

On motion of Mr. Day, the Senate adjourned until 10 o'clock to-morrow morning.

#### SATURDAY, January 29, 1853.

The Senate was called to order by the President, pursuant to adjournment—Prayer by the Rev. Mr. Baker—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Gray presented the petition of Stephen Richardson; referred to the committee on Public Debt.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, viz:

A bill to amend an act to incorporate the Brazos and Colorado railroad company;

A bill to incorporate Cold Spring Female Academy;

A bill to incorporate the town of Seguin, Guadalupe county;

And A bill making appropriations for the improvement of the rivers of the State.

Mr. Scott, from the committee on Engrossed Bills, reported as correctly engrossed, a bill to incorporate the town of Mount Pleasant in Titus county, and a bill for the relief of Calvin Boals.

Mr. Gray, chairman of the committee on the Judiciary reported back a bill to authorize the county court of Comal county to levy and collect a special tax, and recommended its passage.

Mr. Gray, from the same committee, reported back a bill relating to the fiscal affairs of the late Republic of Texas, and recommended its passage with the following amendment, strike out the 9th section.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary having considered an act to incorporate the town of Indianola, recommended its passage with the following amendment:

SEC. 2. That the boundary of said city, and the limits within which said corporation shall exercise jurisdiction, shall begin on